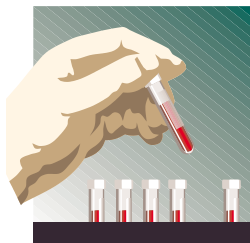


# More Q's and A's from FTA's D&A Discussion Forum

[Here are a few more questions and answers from FTA's Drug and Alcohol Discussion Forum at <http://transit-safety.volpe.dot.gov/Safety/BBS>. All answers are from Eve Rutyna, FTA.]

**Question:** I was just told in our audit findings that the transit supervisors and dispatchers do not necessarily have to be on the random drug-screening list. The reason I was given is that the supervisors and dispatchers would never be called upon to drive any of the transit vehicles in the provision of service. Is this true? I thought we had to be on the list because we are responsible for the dispatching movements of the vehicles.



**Answer:** The determination as to whether any employee is determined to be safety-sensitive and therefore subject to not only random testing but to the requirements of the DOT (49 CFR Part 40) and FTA (49 CFR Part 655) drug and alcohol regulations is dependent on the duties performed or potentially performed by that employee, it is not determined by job title. The duties that constitute safety-sensitive functions for FTA are defined in 49 CFR Part 655.4 'Definitions.' "Controlling dispatch or movement of a revenue service vehicle" is one of the safety-sensitive functions.

FTA stated the following in 49 CFR Part 655 "Since each employer uses its own terminology to describe job categories that involve safety-sen-

sitive functions, each employer must continue to decide whether a particular employee performs any of the functions listed in the definition of "safety-sensitive function," including bus dispatchers. As noted in previous guidance, the key consideration remains the type of work performed rather than any particular job title.

Based on the comments received, FTA will not attempt a universal definition of "dispatchers" at this time. Instead, FTA will allow each employer to determine whether a particular dispatcher performs or may perform a safety-sensitive function."

FTA is aware that the job title "dispatcher" is very widespread, but that job duties can vary significantly between employers. (posted 6/14/06)

**Question:** How often does D&A training have to be done? I could not locate it in regulations. I have received conflicting info; one state agency suggest once a year and a D&A consultant says every 2 years.

**Answer:** The FTA requires one-time training for covered employees and supervisor. Please see 49 Part 655.14 below for details as to type of training for each:

§655.14 *Education and training programs.* Each employer shall establish an employee education and training program for all covered employees, including:

(a) *Education.* The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number

for employee assistance, if available.

(b) *Training.*

(1) *Covered employees.* Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the

should be considered a minimum and may be exceeded if necessary.

Part 655.14(b) states, “*Covered employees.* Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environ-

*tation Guidelines* (Chapter 5.

Training) and their *Best Practices Manual* (Chapter 3. Education and Training). [Note: Both publications may be found at <http://transit-safety.volpe.dot.gov/Safety/BBS>.]

Hope this helps to clarify the issue! (posted 11/17/03)

FTA also believes that it would be an undue burden to mandate an industry-wide training schedule. The final rule recognizes the diversity of employee-management relationships within the transit industry and also strikes a reasonable balance with the requirement for employee and supervisor training.

signs and symptoms that may indicate prohibited drug use.

(2) *Supervisors.* Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. (posted 9/10/03)

**Question:** In your reply above, I could see no specifics in sources used stating “one-time-training.” While I don’t think our “once-a year” recurrent training on D&A is wasted, perhaps it is not necessary. Comments?

**Answer:** The 60 minutes of awareness training is required only once in the employee’s tenure with the company. A total of 120 minutes (60 minutes of training on drug use and 60 on alcohol misuse) is required for supervisors making reasonable suspicion determinations. This also is required only once in the supervisor’s tenure with the company. There is no regulatory requirement for refresher training. The time-frames

ment, and on the signs and symptoms that may indicate prohibited drug use.

(2) *Supervisors.* Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.” FTA responded as follows to a comment during the 655-rulemaking period:

“FTA also believes that it would be an undue burden to mandate an industry-wide training schedule. The final rule recognizes the diversity of employee-management relationships within the transit industry and also strikes a reasonable balance with the requirement for employee and supervisor training. However, a grantee may choose to include additional requirements not mandated by FTA, i.e., recurring training and employee rights. If a grantee does so, the grantee’s policy shall indicate that those additional requirements are the employer’s, and not FTA’s.”

Further information on training requirements may be found in two FTA publications: their *Implemen-*

**Question:** I am looking for recommendations for inexpensive training tapes, Web sites or DVDs to satisfy the D&A employee training. The local D&A companies will do it at a premium. Any suggestions or resources are appreciated.

**Answer:** There are a number of resources that will provide films, pamphlets, brochures, audiotapes, and various literature at little or no cost. Here are some for you to try:

1. National Clearinghouse for Alcohol and Drug Information (NCADI), PO Box 2345, Rockville, MD 20852. (800) 729-6686 or (301) 468-2600.

2. State substance abuse clearinghouse (each state has at least one federally funded clearinghouse which can provide you with nationally and locally produced information materials).

3. Drug-free Workplace Help Line, Center for Substance Abuse Prevention. (800) 843-4971.

4. Partnership for a Drug Free America, 405 Lexington Avenue, New York, NY 10174-0002; (212) 922-1560. (posted 8-2-06) ▲